



MONTGOMERY COUNTY PLANNING BOARD
THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

JUN 15 2010

MCPB No. 10-46
Preliminary Forest Conservation Plan
Mandatory Referral No. MR2010702-MCPS-1
Cannon Road Elementary School-modernization project
Date of Hearing: April 15, 2010

MONTGOMERY COUNTY PLANNING BOARD

RESOLUTION

WHEREAS, pursuant to Montgomery County Code Chapter 22A, the Montgomery County Planning Board ("Planning Board" or "Board") is vested with the authority to review forest conservation plan applications; and

WHEREAS, on March 11, 2010, Montgomery County Public Schools and the M-NCPPC Department of Parks, ("Co-Applicants"), filed an application for approval of a Preliminary Forest Conservation Plan on a combined total of 22.34 acres of land commonly known as Cannon Road Elementary School and Cannon Road Park (a combined park/school site) located at 901 Cannon Road at the southeast quadrant of the intersection of Cannon and Clifton Roads ("Property" or "Subject Property"), in the White Oak master plan area ("Master Plan"); and

WHEREAS, Applicant's preliminary forest conservation plan application for the property was designated Forest Conservation Plan No. MR2010702-MCPS-1, Cannon Road Elementary School ("Forest Conservation Plan" or "Application"). The application is associated with Mandatory Referral No. MR2010702-MCPS-1 for a school modernization project. The site is subject to the forest conservation law found in Montgomery County Code Chapter 22A; and

WHEREAS, Staff issued a memorandum to the Planning Board, dated April 1, 2010, ("Staff Report"); setting forth its analysis, and recommendation for approval, of the Cannon Road Elementary School Preliminary Forest Conservation Plan application subject to certain condition(s) and

Approved as to
Legal Sufficiency:


M-NCPPC Legal Department

WHEREAS, following review and analysis of the Application by Planning Board staff ("Staff") and the staffs of other governmental agencies, on April 15, 2010, the Planning Board held a public hearing on the Application (the "Hearing"); and

WHEREAS, at the Hearing, the Planning Board heard testimony and received evidence submitted for the record on the Application; and

WHEREAS, on April 15, 2010, the Planning Board approved the Preliminary Forest Conservation Plan subject to certain conditions, on motion of Commissioner Wells-Harley; seconded by Commissioner Alfandre; with a vote of 3-0, Commissioners Joseph Alfandre, Royce Hanson, and Marye Wells-Harley voting in favor. Commissioners Norman Dreyfuss and Amy Presley were absent.

NOW, THEREFORE, BE IT RESOLVED THAT, pursuant to the relevant provisions of Montgomery County Code Chapter 22A, the Planning Board APPROVES Preliminary Forest Conservation Plan No. MR2010702-MCPS-1 on 22.34 acres of land located at 901 Cannon Road, in Silver Spring, Maryland, in the White Oak master plan area ("Master Plan"); subject to the following conditions:

1. *The proposed development shall comply with the Staff recommended conditions of approval for the preliminary forest conservation plan in accordance with the attached letter to the Applicants dated March 30, 2010.*
 - a. Prior to any clearing and/or grading on parkland, Montgomery County Public Schools must obtain a Park Permit from M-NCPPC. All proposed construction activity must be consistent with the approved final forest conservation plan.

BE IT FURTHER RESOLVED that, having given full consideration to the recommendations and findings of its Staff, which the Board hereby adopts and incorporates by reference (except as modified herein) and upon consideration of the entire record, the Montgomery County Planning Board FINDS, with the conditions of approval, that:

The Application satisfies all the applicable requirements of the Forest Conservation Law, Montgomery County Code, Chapter 22A. There are 11.83 acres of high priority forest on the Subject Property located entirely on the east and southeast portions of the Park Property. No existing forest will be removed by this project. The 11.83 acres of preserved forest exceeds the forest conservation break-even point of 5.94 acres.

BE IT FURTHER RESOLVED, that this Resolution constitutes the written opinion of the Board in this matter, and the date of this Resolution is JUN 15 2010 (which is the date that this Resolution is mailed to all parties of record); and

BE IT FURTHER RESOLVED, that any party authorized by law to take an administrative appeal must initiate such an appeal within thirty days of the date of this Resolution, consistent with the procedural rules for the judicial review of administrative agency decisions in Circuit Court (Rule 7-203, Maryland Rules).

* * * * *

CERTIFICATION

This is to certify that the foregoing is a true and correct copy of a resolution adopted by the Montgomery County Planning Board of The Maryland-National Capital Park and Planning Commission on motion of Commissioner Presley, seconded by Commissioner Dreyfuss, with Commissioners Hanson, Wells-Harley, Dreyfuss, and Presley voting in favor of the motion, and with Commissioner Alfandre absent, at its regular meeting held on Thursday, May 6, 2010, in Silver Spring, Maryland.



Royce Hanson, Chairman
Montgomery County Planning Board